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ILWU, LOCAL 6

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

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11 WASTE MANAGEMENT OF ALAMEDA )  
12 COUNTY INC., ) Case No. C 07 3675 WHA  
13 )  
14 Plaintiff, )  
15 vs. ) DECLARATION OF KENNETH C.  
16 WAREHOUSE UNION LOCAL NO.6, ) ABSALOM IN SUPPORT OF  
INTERNATIONAL LONGSHORE AND ) STIPULATION TO EXTEND TIME  
WAREHOUSE UNION, )  
17 )  
18 )  
19 Defendants. )

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21 I, KENNETH C. ABSALOM, declare as follows.

22 1. I am the attorney of record for Defendant ILWU, LOCAL 6 and I am making this  
23 declaration in support of the Stipulation to Extend Time for all discovery cutoff dates, trial date  
24 and other related events. The statements made herein are based upon my personal knowledge  
25 and if called to testify I could and would testify competently thereto.

2. This case was originally assigned for primary handling to my associate Michael Nelson. He left my firm at the beginning of this year and I then assumed primary responsibility for the file. My firm is a small litigation firm and I am the principal specialist in labor and employment matters.

3. Several months ago my wife was diagnosed with a rare form of leukemia known as Acute Myeloid Leukemia Secondary to Therapy. She has been treating for an aggressive form of breast cancer for 3 ½ years. In mid March, after several courses of chemotherapy she underwent a bone marrow transplant. Throughout her treatment I have had to care and attend to her. Since the transplant procedure this has required daily home care as she must remain in relative isolation with frequent medications being administered. As a consequence I have had to adjust my professional obligations to accommodate this medical situation.

4. Defense counsel has graciously provided me several extensions of time to respond to discovery and we have been conferring on a schedule for completing depositions and other discovery in this case. However, due to my family situation, and a jury trial in Sacramento County Superior Court which will consume most of June, it is not feasible to complete the remaining discovery within the current time schedule. Defense counsel and I agree that in light of the fact that the parties have not been able to complete all of the discovery necessary to proceed in litigating this case, it is essential that the trial and all future pre-trial dates be continued a minimum of sixty (60) days. To that end, counsel have conferred and agree to the following proposed continuances:

- a. The non-expert discovery cut-off be continued from June 20, 2008 to August 22, 2008
- b. The last date for designation of expert testimony and disclosure of expert reports under FRCP 26(a)(2) as to any issue on which a party has the burden of proof be continued from June 20, 2008 to August 22, 2008.

c. The last day for filing dispositive motions be continued from August 7, 2008 to

1 || October 8, 2008.

2           d. The final pre-trial conference be continued from October 13, 2008 to January 26, 2009,  
3 or as soon thereafter as this matter may be heard.

4 e. The jury trial be continued from October 27, 2008 to February 9, 2009, or as soon  
5 thereafter as this matter may be heard.

6       5. This is the first request for an extension of time in this case. For the reasons stated I  
7 respectfully request the Court's approval of the Stipulation filed herewith.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing statements are true and correct. Executed this 19<sup>th</sup> day of May in San Francisco, California.

/S/ \_\_\_\_\_  
Kenneth C. Absalom